

From: Rodney Smith
To: Microsoft ATR
Date: 11/16/01 12:49pm
Subject: Microsoft - Anti Trust

Dear DOJ,

First I would like to say that this legal proceeding must be handled with great care. It is very economically important to settle a case like this so everyone comes out ahead. It is obvious at this point that your expert opinion is that conduct provisions be established to bring about a beneficial SETTLEMENT.

I am a software developer. My experience with the technology/products in question lead me to conclude that conduct provision MAY be a sensible route to a reasonable out come. I must stress that technology is pushing forward and is requiring all software developers to use ever greater efforts to bring about products that are desirable. The comfort in the use of various technique matured during the 1980s that still serve as the building blocks for products in the year 2001. These building blocks have to advance in order to meet the needs of the current/next generation of software products. What I am specifically addressing is that Microsoft has advance EXPERIENCE in what ever technology it implements in its Windows OS. Competitors must struggle to implement new FEATURES provided in the Windows OS from the point of view of implementer. We all have to understand that Microsoft has invested money and effort to develop these new features, an intimate understanding of theory behind that technology thus exists. For those who are in competition with Microsoft to develop feature rich technologies timely exposure to privileged THEORY does not exist. Instead, while Microsoft has "the inside track" and is working on next years projects, the competition is just learning how the present features can and should be used.

All of this is said to emphasize that one critical element to this very important legal matter is that there has to be fair access to new developments within the key technology, WINDOWS. If there were a way to maintain a list of technology being implemented and detailed information on the theory behind it, everyone would be in the advantages situation of technical literacy behind "A" target technology (WINDOWS). If there is no efficient method to implement such a strategy then I must urge on this basis alone that the company (MICROSOFT) be divided into an OS (WINDOWS) company and an Application company, two totally distinct companies, no ties. At this point, if a division was used, I would suggest no further remedy.

If a division of the company was is not selected as a remedy for the Anti-trust case and a "fair sharing of technology is used", then I would also suggest that Microsoft be restricted from bundling "value added applets". Examples range from the simple, (Notepad, a simple text editor), to the more sophisticated (Instant Messaging, Video Editing, the Windows Media Player). These applets have no place under the title Operating System. They have no baring on the OS, they should all be omitted for (I'm no legal professional) legal simplicity. If however one decided not to pursue this aspect of this legality in this fashion, I then suggest at the least, competitors be allowed prominent accessibility/exposure to the OS (WINDOWS) consumer. An prominently exposed method to "use" or "try" a competitor's product should be available. This equal accessible method might encapsulate ALL competitor products to provide a clear distinction between what is "a part of Windows" and what is offered as an alternative. These alternatives would be included with the Windows OS with respect to competitor participation.

This proposal for the Microsoft - DOJ, Anti Trust case is offered as a suggestion(s)

Sincerely,

A Concerned Citizen